### SHALL WOMEN PREACH?

The Presbytery of Brooklyn Seriously Discussing the Question.

Dr. Cuyler Defending Himself and Miss Smiley-"Not This Man, but Barabbas"-Dr. Cuyler Innocent, but His Church Guilty-"Babbling Women" Condemned by St. Paul, but Not Preaching Women.

The staid Presbyterians of Brooklyn were stirred erday as they never had been before by a genu-sensation." They were shaken from hats to cal earthquake, and it was caused, as l, by a woman. Every great movement, from creation and fall of man to his restoration and maitation, has had a woman some way mixed up with it, and in this case wiss Sarah F. Smiley, a and good-looking Ounkeress, is the lunocent a of the trouble. It will be remembered by the ers of the HERALD that a short time ago this plous dy preached a sermon, acknowledged to be of great power and pathos, thoroughly scriptural and logical, to the Lafayette Avenue Presbyterian church. She performed this service, too, by request of the pastor. ev. Dr. Cuyler, and the session of his church, con-sting of twelve or more elders and officers. The ers, and Messrs. Chamberlain and Woodhull, iders, took exception—not to the doctrines probut to the fact that the truth was proclaimed by a veman. "Our craft is in danger," said these good bytery was called to inquire "what action, if any, was necessary to be taken" in this case. Yesterday was the time appointed, and

THE PIRST PRESEYTERIAN CHURCH.

sorner of Clinton and Fulton streets, Brooklyn, was the place indicated. The facts had been pretty widely circulated, and at the appointed hour yester-day morning the little chapel attached to the church as thronged with a curious and interested multide, composed very largely of ladies, to hear the grave ministerial body upon this grave question. The Rev. Joseph M. Green acted as Moderator, and pervices with which the convention opened having been concluded, the call under which the Presbytery had assembled was read, and Mr. McClellan, one of the complainants, moved that Dr. Cuyler be reed to make his statement or defense.

Rev. Dr. Speak most emphatically objected to make out their case, and then the defendant and respond. Mr. McCiellan being called upon on recited the facts of the preaching at a certain date by Miss Smiley in the Lafayette Avenue Presbyterian church. The service was advertised, and Dr. Cuyler had admitted it in the pastor's meeting.
This was proof enough; but it was also proved by public notoriety. The signers of the call did not want to show bad feeling towards the Church or Dr. Cuyler. He believed that the Lafayette avenue shurch had answered in the affirmative that Presbyterians should affiliate with the Friends; also, in the affirmative that licensure and ordinations

byterians should affiliate with the Friends; also, in the affirmative that licensure and ordinations should be dispensed with in inviting Quakers to preach. The speaker also contended that the case modified and changed the usage and custom of the Onurch, and the Presbytery should take immediate action upon it. Mr. Patton disclaimed any intention of the movers to put Dr. Cuyler on trial. They had simply to deal with facts that are opposed to the Word of God and the usage of the Presbyterian Church, and the merits of the case be thought were not under consideration now, though they might come up hereafter.

DR. CUYLER'S DEFENCE.

The Rev. Dr. CUYLER was then invited to remond to the informal charges made by these brethren. He did so in a very able paper, which he read, traversing the Scriptural prohibition to women pseachers, the usage of the Presbyterian Church, whose constitution and discipline are silent on the subject, and the general principles involved in this special case. He had been twenty-six years a minister without an indictment, he said, and he hoped to have lived and died without one. Though he was not actually on trial, his action in admitting a weman to preach was. He was not called to answer about ordaining the women to the full functions of the ministry. He was also opposed to women voting and to loose love and easy sivorce (slight applause, which was suppressed by the Moderator). Dr. Cuyler continued to rectic how in early life he had been brought into intimate association with the Society of Friends, and how he nad attended their meetings in Brooklyn, had met Miss Smiley there and was carmed with her preaching. He considered her "a senind, sweet, convincing preacher." His isvitation to Miss Smiley to breach for him was in return for a similar invitation from the Friends to him to preach for them. She took no text, but talked about the vision of Jacob. He recognized her as a minister to her own denomination and as a richly endowed woman.

PRESEVERIAL QUERIES.

He made this recognition conscientiously, and was willing to take it up to the judgment seat. He wanted to know—i. Was the act prohibited by the book of Church government? He contended that it notitier permitted nor prohibited woman preaching. 2 Was the act against the Bible? Was it against the Word of God for woman to speak in mixed assembly of both sexes? The Doctor then went over the details of the few instances recorded in the Bible of women preaching or prophesying, either under the Old or New Testament dispensation. He contended that Paul's prohibition to women talking in church was a very different thing, and that it was next to impossible to uraw a line in the Bible about woman's functions in the Church. He defended his action also as being on a par with that of the Methodisis and Baptists and others, both in Great Britain and in Brooklyn, in shlowing the lady to preach in their pulpits. If women preaching was a sin against the fioly Ghost, why, he asked, had the Holy Ghost ble-sed her efforts? He maintained that whether women preaching was advisable or not depended on circumstances. He regarded it as a non-essential matter and not subject to discipline. He admitted that it was not ordinary Presbyterion usage for a woman to take part in public worship. He was not in favor of a change of the usage, but there was no danger of the usage changing. Dr. Cuyler wound up with a warm eulogy on his church, which he referred to as some that for nine years had filled Brooklyn with sound denominational doctrine; as one that had clustered at its altars more converts than any other Presbyterian church had gathered; as one woose pulpit had preached a loyalty that lasted longer than the fiag from its steeple, which the wind had bown to tatters; as one hated by the dramshops of this only, which dramshops would rejoice if one word of censure was passed before that society.

Ex Mayor Lamshops would rejoice if one word of censure was passed before the scenery.

Ex Mayor Lamshops would rejoice if one wo PRESBYTERIAL QUERIES.

and did not want to muzzle him in any way.

A discussion then took piace between Drs. Butler, Spear, Van Dyke and Mr. Patton in regard to the appointment of a committee to draft a minute about the subject. Dr. Spear thought the matter was too insignificant to be dignified by the appointment of a committee or the drafting of a minute, but his compeers thought differently, and Rev. Drs. Butler, Duryea, Brown, Wells, Seaver, and Elders Stebbins and Foster, were appointed such committee, and white they were deliberating the Presbytery took a recess until three P. M.

Afternoon Session.

Upon reassembling the MODERATOR called for the report of the committee, which was presented by Rev. Dr. BUTLER. It is as follows:—

Rev. Dr. BUTLER. It is as follows:—

In view of the preaching upon the Sabbath, and after public notice, of a woman in the pulpit of one of the churches, the Prebyter, while recognizing the kindly approach and motive which evidently prompted the invitation, as an exceptional act, yet feels constrained to express its judgment that the preaching of women in the churches is contrary to the Word of God (I. Cor. av., 34, 35, 1. Tim. It., 13) and opposed to the principles and usage of the Prebyterian Church. In view of the fact that there has been no formal deliverance of the assembled Church upon this matter; therefore

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formal celiverance of the sasembled Churcus upter; therefore

Resolved, That a committee be appointed to prepare and
Resolved, That a committee be appointed to prepare and
report a proper overture to the next deneral Assembly. port a proper overture to the next General Assembly.

Dr. Butler explained the feelings of the commitset toward Dr. Cuyler and his church, which coinbelied them to present such a paper. They did not
want to condemn either, and yet they could not disniss the subject in stience. It was too grave to be
o disposed of.

miss the subject in silence. It was too grave to be so disposed of.

Dr. Sprar, sharp as a needle, objected to this paper. It presented two difficulties. It professes to do a thing, but tries to dedge it.

It is chargeable with self-stellipication. It stands kindly toward Dr. Cuyler, but condemns his act. This comes from pronouncing on a principle which leaves out the case. The Doctor read the call for the special session, and showed that the Presbytery had no right to pass upon the general principle of women preaching than upon any other question. It was no more germain to inis case for which they had assembled than was the planet Jupiter. He read from chapter 10, last section, to abow the powers of Presbytery under this call, and missisted that they could not travel one linch out of the way from the special case before them. They might do one of three things—cither approve or censure the act complianed of, or dismiss the case at once. And this latter action he strongly recommended. They cannot condemn women preaching, for that question is not before them, and to call.

pposed it.

Rev. Mr. Parron thought it was a question
reat moment and was worthy of the notice of
resbytery as it had been of the Word of God.
wo questions that come before this body were
toompetent to investigate the case f and has it ability and energy to condemn? In reply 40 Dr. Cuyler's queries whether there was anything in the constitution of the Presbyterian Church prohibiting women preaching, Mr. Patton said there was nothing in it to prevent him having mass said in his church; from having a Universalist proclaim his church in the said offended against God and the Church. The Bible insists that her there was anything in the

WOMAN MUST KEEP SILENCE IN THE CHURCH however much she may want to speak. (Laughter.) The weight of Paul's argument rests, not upon the woman's piety or her oratorical ability, but upon the relation of the sexes, which has not been materially changed since the creation. His final appeal should be to the Word of God. Dr. Cuyler's appeal to human consciousness Mr. Patton declared to be incipient rationalism and as part of the argument that if Christ was now on earth. He would not repeat the miracle of Cana of Galilee, nor would life condemn this act. He (Mr. Patton) insisted that Presbylery ought to give some expression upon this question.

Elder PREEMAN, of the Memorial church, read the committee's paper substituting the crime of theft for that of preaching, to show the utter absurdity of the wording of the document, of which he also

for that of preaching, to show the utter absurdity of the wording of the document, of which he also disapproved.

Dr. Van Dyke spoke in regard to the jurisdiction of the Presbytery over the question. Nobody was on trial, and yet they are asked to pass judicially upon a case not properly before them. The session and not the pastor of Lafayette avenue church is the party that should be tried, and charges can be made against either upon two grounds—crime and heresy—neither of which are alleged here. He eulogized Dr. Cuyler's able and eloquent defence, but considered some of its arguments very weak. The act complained of is not an isolated case. It links itself to three things:—Sensationalism in the pulpits, which has made Brooklyn churches a repreach throughout the world; to the suffrage and woman's rights movement, which seeks to overturn the social order, and to that broad Church movement which seeks to overthrow all Christian forms. He then went into the merits of the case, and contended that this act of preaching was contrary to the libble and Presbyterian usage, because Miss Smiley was unbaptised, and therefore not a minister, and being a woman she is prohibited by that floct. These points he elaborated and substantiated by numerous citations, Sibilical and disciplinary. If Dr. Cuyler could show that Miss Smiley was inspired, as was Isalah or Jeremiah or Paul, his (Yan Dyke's) pulpit should be open to her, but not otherwise.

Dr. Spear jumped up again to defend his pre-

Dr. Spear jumped up again to defend his previous remarks and to expose
THE FALLACIES OF MESSES, VAN DYKE AND PATTON.
As they condemned nim and Dr. Cuyler for doing
what they believe the Bible allows he denied their
right to quote that Book against him. If the Presbytery censure they are bound to give their reasons
and their authority for so doing. He, therefore,
moved to lay the paper on the table for the purpose
of taking up a substitute which he offered, as follows:—

The Presbytery having considered the particular question specified in the call for this meeting do not deem it expedient to take any action upon the subject at the presentime.

dent to take any action upon the subject at the present time.

Dr. DRYER objected to thus choking off debate, and the motion having been withdrawn he went thro a history of the discussion of the paper in committee and the feelings which actuated them in preparing it as it appeared. He wanted either this or a censure passed.

The Rev. ALPERD TAYLOR made a very appropriate, learned and peaceful speech, snowing that the Greek word translated "speak" or "teach," as quoted, meant "fabrilling" and "wrangling," and not such acts as this Presbytery are called together to condemn. And in the same connection the wearing of gold, pearls and costly array and braiding the hair are condemned, and if they discicipine a church for one act they must condemn all, and in so doing they would break up every church in the city of Brooklyn.

Mr. Lee also spoke on the question.

A vote was then taken upon the motion to table the committee's report, and it was lost—17 yeas to 19 nays. Dr. Van Dyke then moved to take up the paper by sections, but Elder Lambert moved to take a recess until half-past seven P. M., for, as his church session was on trial, he wanted to have something to say on it. An amendment was carried adjourning the session until tee o'clock to-day.

### A BIG DOG FIGHT.

"Toss" and "Crib." of New York. Battle fo \$1,000-Long Island the Scene of the Combat-After Fighting Two Hours and Thirty one Minutes the Brooklyn Police Disturb

Of late there have been many matches of nearly everything that will fight, and yesterday atternoon the climax was capped by an important dog match. New York furnished both the contestants, and the combat, so far as it progressed, afforded much amusement to the principals and gave joy to the few hundred round-headed, naired individuals that made up the spectators. And then when the dog duel was about being ed the police from Brooklyn appeared upon the scene and stopped the fun, and though they did not make any arrests they so irightened the throng that the contest is adjourned without day. This match was made some time ago, and since usly, and was its completion has created very great interest dog Toss and Mr. Rodgers' dog Crib. The reputa-tion of the former had become wide as the country, as he was imported, and in England and won four terribly contested fights, and, finding no more dogs there to conquer, was sent here. Crib had been equally fortunate in his previous battles, and his

owner thought him invincible.

The agreement to fight these dogs came about in the usual way. Each owner thought the other could not be whipped, and they decided that a trial should be had at twenty-nine pounds and \$500 a

Anything further in regard to the former per formances of the dogs is of no sort of interest to any but sporting men, and such as they know all about the animals. The betting up to yesterday had been slow and the odds in favor of Toss. Not less than \$10,000, however, depended upon the result of this fight, taking all the bets into consideration.

All preliminaries being arranged and the dogs in good condition and eager for the fray, which they seemed to know was at hand, the fight was commenced, on Long Island, at a well known shorting house near Jamaica. The pit was built in a barn, and the numerous spectators were so closely packed that movement was impossible and respiration difficult. The assemblage was of the usual kind and of all shades, as noticed at such little affairs. At ten minutes to two o'clock the dogs were in readiness for the combat. Toss is a light brindle with white feet, and Crib, a dark brindle, with white marks and cherry face. They looked in fine condition, and their appearance elicited shouts of admiration and delight. Sheffield George handled Toss, and a well known sporting individual Crib. Washing and tasting preceded the fight. All preliminaries being arranged and the dogs in

elicited shouts of admiration and dengat. Suchrice George handled Toss, and a well known sporting individual Crib. Washing and tasting preceded the fight.

At five minutes to two o'clock, the dogs having been dried and the referee calling time, they sprang together. With low snarls of rage, with every muscle rigid, with jaws closing and holding like keen vices, the champions fought more like exquisitely arranged machines than animals. From the first Toss had the best of the bargain, and his admirers shouted accordingly. The handlers stood each behind his dog, snapping their fingers for the animals to keep their hold, stamping to order them to make brisker fighting, advising and assisting them by word and gesture, but refraining from touching them with even the tips of their fingers. In firty minutes Toss demonstrated he was the superior dog. He was more cunning and punished worse than his antagonist. A good nead fighter, he got both ear holds, lower jaw holds and nose holds, until Crib whited and cried piteously. The latter was virtually whited and cried piteously. The latter was virtually whited in an hour; but his strength was such that he continued the fighting a long time afterward. In two hours Crib's head was very heavy and he manifested symptoms of going away; but Toss stuck to him so closely that he was helpless and at his mercy.

When the fighting had occupied two hours and thirty-one minutes, and oss was taking breath for the coup de mort, there was a tumult on the outside of the barn, and in another instant a general consisting was apparent. A low whistle was heard, and men and dogs, in one grand, terrible flight, sought escape. The Brooklyn ponce had arrived. Windows and back doors were brought into requisition, and in about ten seconds the dogfighters had disappeared and were making their way across the quiet grounds of an adjoining graveyard. Never did the walls of this city of the dead harbor so much sin and this process the coup of the coup of the coup of the heart harbor so much shade doors wer

### THE BANK TROUBLES.

#### THE STUTVESANT BANK.

An Indiguant Meeting of the Creditors-Protest Against Bankruptey-The Present Repeiver To Be Made Trustee of the Assets in Bankruptey.

ors of that institution met again yesterday morn-ing at ten o'clock for the purpose of protesting against the placing of its muddled affairs under the writ of involuntary bankruptcy, and of devising der this unhappy misfortune could be as much pro tected as possible. Mr. John A. Dougan was chair

mail, and the following resolutions were adopted:—
PROTEST AGAINST BANKRUPTCY.

Resolved, That we are quite satisfied with the action of the Supreme tourt of the State of New York in appointing a receiver to wind up the affairs of the bank, and believe that under the laws of the State, with an honest and faitful receiver, the creditors will realize far more than they would under bankruptcy proceedings, where the assignee is subject to rules any restrictions that render it difficult to administer the castate for the actual beneft of the creditors.

SOMESON'S VINTUES.

Resolved, That we are entirely satisfied with the appointment of Mr. O. H. P. Archer as receiver of the assets of the bank. We believe him to be—first, an honest and trustworthy man; secondly, a capable and energetic business man; thirdly, a man of large wealth and high reputation and entirely disinterested. Furthermore, since he has been receiver he has conducted the business of the bank most assistance with the same of the same and the same of the same of the farmed of the same and the same of the same than acquired by him, it were to fall into the hands of strangers.

Assets will probably be sacrificed, and demanding as a condition of their withdrawing their bankruptcy proceedings that their debt be paid in full.

Resolved, That inasmuch as we are, by the action of John Mack and the Security Bank, crient must involuntary bankruptcy, we sake all mit Bankrupt and with my parkruptcy, we sake all mit Bankrupt and, which authorizes us to elect our own trustee, instead of an assignee in bankruptcy; and that we recommend the creditors to attend the meeting of creditors appointed to be held on the 7th of February intunt, and to elect Mr. O. H. P. Archer as our trustee, and a committee of creditors, consisting of Richard Kelly, President of the Fifth National Bank; the Rev. John Oroutt and others, without in any way waiving; our rights to have the affairs of the bank closed under the statutes of this State.

THE RECEIVER'S EXPLANATION,

A committee was appointed to wait upon Mr. O. H. P. Archer and to request him to make to them a statement of the cause of the unpleasantness of which the reprenensible. Mack was the apparent author. Mr. Archer, accompanied by David Dudley Field, made his appearance. He said that as receiver he had paid to flowe and Macy \$20,000 in settlement of their claims, in preference to naving the \$25,000 worth of collaterals which they held forced upon the market. The Security Bank, represented by Mr. Mack, had thought that they held forced upon the market. The Security Bank, represented by Mr. Mack, nad thought that they might secure just as favorable a settlement as Howe and Macy, and on finding that he (Mr. Archer) would not pay this claim, had forced the bank into bankruptcy.

A vote of thanks was given Mr. Archer for his explanation and for his management of affairs, After a little more talk the meeting adjourned.

#### MARKET SAVINGS BANK.

At the meeting of the depositors of the Market Bank, held at the First District Court yesterday, Mr Dowley was appointed Chairman and Mr. Bent Secretary pro tem. Mr. Worth, the Receiver of the pank, gave a brief statement of the affairs of the

The infolities were estimated at \$100,000. The market value of the bonds was not known and could not be ascertained, as the Third Avenue Savings Bank were pressing theirs in Wall street. Mr. Worth thought that Alabama bonds would bring ninety-two per cent. Some of the call loans were good, but the bad predominated; the bonds and mostgoges were good.

good, but the bad predominated; the bonds and mortgages were good.

A depesitor put the question—If necessary, how much could the bank pay?

Mr. Worth—About forty-five per cent, or perhaps more. In its most desperate condition it would pay no less than forty per cent. He found in one of the books a call lean charred to one of the oldest firms in this city, which had dissolved over two years ago.

After some desultory conversation between the

and viliany, he meeting then adjourned till Monday next, February 12, yo P. M., at the same place.

## THE THURD AVENUE SAVINGS BANK.

Judge Barnard.

A singular application was made yesterday in the

Supreme Court Chambers, before Judge Barnard, for the appointment of a receiver of the Third Avenue Savings Bank. The application was made by one

"I never heard of such a proceeding," said the "Inever neard of such a proceeding," said the counsel for the bank. "as asking the appointment of a receiver for a bank that is promptly and fully paying all demands made upon it."
"Nor I either," said the Judge. "How much does the bank owe this man Flynn."
"Just \$255," answered the bank's counsel. "I have offered it in Court, but the money wont be accepted."

epted."
"Pay the amount over to Dick Bemish, the clerk,"
mickly spoke the Judge; "I guess he will reeive it." quickly spoke the Judge; "I guess he will re-ceive it."
"All right," said the counsel, and the money was counted out to Mr. Bemish, to the astonishment and delight of the crowd of lawyers and others filling

delight of the crowd of lawyers and others and the court room.

The Judge, who seemed to be in an unusually jocose mood, appointed Mr. Jacob Valentine as re-ceiver in two cases.

"There is nothing to receive," he said, apologeti-cally, "in one of the cases, and for this reason I appoint Mr. Valentine, Chief Crier of the Court, as

## THE UNION SQUARE BANK.

Mr. Beekman, the Receiver of the Union Square National Bank, has issued a notice that all creditors and depositors having claims against the bank date the first dividend of fifty per cent will be paid. The second dividend will be paid early in March, and the bank officers nope to pay all depositors in full by the lat of April.

THE GUARDIAN SAVINGS BANK.

Jeremiah Quinlan, the Receiver of the Guardian Savings Bank, has obtained from Judge Barnard

John T. Barnard, notes and drafts and endorsements	971 890
Doane, Way & Cushing	16,500
John K. Fellows	200
A. S. Hope	5.500
Leonard B. Wing. Cash Loans— Susan J. Curties, Glen Cove.	6,300
Levi E. Curtiss, Glen Cove	14
E. S. Headrickson, Glen Cove	186
Kugens Durnine	58,125
Sheridan Shook, check on Second National Bank Mortgages-	
R. E. Selmes	11,490
Jacob Pecare and Simon Ebrich	2,600
CLOUTH VATIONAL DANK	

### EIGHTH NATIONAL BANK.

Meeting of the Depositors at the Sinclair House Last Evening.

A meeting of the depositors of the Eighth National Bank was held last evening at the Sinclair

House, corner of Broadway and Eighth street, Mr. Archibald Johnston in the chair. There was quite a large attendance of the sufferers from the late suspension, and a great deal of feeling was manifested among them. Some of the was manifested among them. Some of the gentlemen were very anxions to commence criminal proceedings against the officers of the bank. The course of the President, Union Adams, was rather severely reflected upon, as it was declared by Mr. Stevenson, the secretary, that Mr. Adams, whose general high standing among the business portion of the community had drawn a great many depositors to the bank, had on the evening before the suspension drawn \$9,000 from the bank, and on the morning of the suspension the bank, and on the morning of the suspension. Mr. Young said he was not willing to let things go so casy as the committee had reported, but he

A motion was then made to raise a subscription to fee counsel to ascertain what could be dene in the matter.

After a great deal of discussion, in which some were opposed to litigation altogether, and others differed about the manner of procedure, it was finally moved and carried to leave the matter to the action of the next meeting, when it was hoped all the depositors would be present.

It was also moved and carried that all persons who had presented checks to the bank on the morning of the suspension would present written statements to the secretary of the meeting—these statements to be sworn to before a notary public, so that they might be used in evidence in any legal proceeding. The meeting was then adjourned, subject to the call of the committee.

### THE COURTS.

Important Decisions in the United States Supreme Court.

The Jumel Estate Case-Alleged Forged Endorsements-Hurrying Up Business in the Eupreme Court-Suit Against a City Railroad - Decisions, and Business in the General Sessions.

#### UNITED STATES SUPREME COUST.

Important Decisions in the Supreme Court— Privileges of United States Land Grantees— Validity of Wills, the Testator Being Removed from the State Where the Property Exists-Judgment Against a Cavalry Horse Contractor-Apostle Stout's Indictment Af-firmed-The Court Equally Divided on the

WASHINGTON, Feb. 5, 1872. The following decisions were rendered in the Su-

preme Court to-day: —

No. 73—Gibson vs. Chateau—Error to the Supreme
Court of Missouri.—In this case the plaintiff in error, holding a patent of the United States to certain ror, holding a patent of the United States to certain lands in St. Louis county, Missouri, brought ejectment, in the Supreme Court of the State, to oust the defendants in error, who held, under certain acts of the State making undisturbed possession for ten years evidence of ownership as against all other titled. The State Court sustained the State laws, and the case was decided adversely to the claim under patent. This court holds that the same principle which foroids any State legislation interfering with the powers of Congress to dispose of the public property of the United States also foroids any legislation depriving the grantees of the United States of the possession and enjoyment of the property granted by reason of any delay in the transfer of the title after the initiation of the proceedings, for its acquisition of that title could be forfeited, because they were not asserted before the litle was issued.

The jurgment was reversed and the cause remanded for in the proceedings, in conformity with this opinion. Mr. Justice Field delivered the opinion.

No. 331-Fonke et al. vs. Zimmerman et al.-Error to the Circuit Court for Louisiana; and No. 33-The a probate in Louisiana of the will of a person who died domiciled in New York is valid until set aside in the Louisiana court, though the order of the Surrogate in New York has been reversed in the Surrogate in New York has been reversed in the Surrogate in New York has been reversed in the Surrogate was founded. A purchaser from the devisee of such will of real estate in Louisiana, while the order of the Louisiana Court establishing the will remains in force, is an innocent purchaser, and is not affected by a subsequent order setting ande the will to which he is not a party. Such an order, founded on a verdict and judgment in New York declaring the will vold, obtained by coliusion between the devisee under the will and the heirs at law, cannot affect the purchase from the devisee made in good faith before such verdict and judgment. Judgment affirmed. Mr. Justice Miller delivered the opinion.

No. 50—Cariton and Bridgeport Brass Company a probate in Louisiana of the will of a person who

No. 50-Carlton and Bridgeport Brass Company vs. Bokee—Appeal from the Circuit Court of Maryland.—This was an action brought by the plaintiffs Bokee from infringing a patent granted to Rechman for an improvement in lamps. The decree below was for Bokee and it is here affirmed, this Court holding that Hokee's burner is no infringement of the Rechman reassued patent so far as the latter is valid. Mr. Justice Bradiey delivered the opinion.

No. 37. Milwaukee and Minnesota Railroad vs. Louther et al. — Appeal from the Circuit Court for the Eastern District of Michigan.—This was an action Eastern District of Michigan.—This was an action brought to recover money paid into Court by the rairroad company to discharge a mortgage held by the defendants in error, on the ground that it was paid by mistake or under the erroneous impression that the company was the owner of the equity of redemption and was thus entitled to discharge the mortrage. The bill was dismissed below on technical grounds, and the decree is here affirmed. Mr. Justice Bradley delivered the opinion; Mr. Justice Field dissented, with whom the Chief Justice and Mr. Justice Miler concurred.

No. 23. United States vs. Wormer—Appeal from the Court of Claims.—Claims of demanded, \$16,000

from the government for an alleged breach of contract in refusing to receive certain cavalry horses which he was under contract to furnish, certain stringent inspection rules having been issued after the contract was made, and the department refusing to suspend them in his case. On that account the claimant threw up his contract and brought his action for damages. The Court below found for the claimant, but that judgment is below found for the claimant, but that judgment is here reversed, the Court holding that it was com-petent for the government to enforce such new regulations without regard to prior contracts. Mr. Justice Bradley delivered the opinion. No. 6. Beavars vs. The United States—Error to

on the official bond of Beavans as ceiver of Punon the official bond of Beavans as severe of Public Moneys at Bateville, Ark., at the outbreak of the war, which were turned over to the rebels under the plea of compulsion by the rebel authorities. This Court arithms the judgment of the Court below, holding that the delence set up is no bar to recovery on the bond. Mr. Justice Strong delivered the opinion, Mr. Justice Chiford dissented.

No. 5. Halliburton vs. the United States-Error defence was the same as in the case of Beavans above, and the case was heard and decided with that. The judgment is also affirmed. Mr. Justice Strong delivered the opinion. Mr. Justice Clifford and the Chief Justice dissented.

No. 51. Dooly vs. Smitn-Error to the Court of Appeals of Kentucky.—Affirmed, the judgment of the lower Court without passing upon the legal tender question said to be involved in it; but masmuch as tion said to be involved in it; but hasmuch as the lower Court passed upon the question it was insisted that this Court could review the decision. The Court reverse the judgment, and determine the question in accordance with the principles laid down in the other cases of the same class. Mr. Justice Strong

No. 478—Stout vs. the People of the Territory of Utah-Appeal from the Circuit Court of Utah .- The plaintiff in error in this case, Hosea Stout, was inplaintiff in error in this case, Hosea Stout, was indicated for murder, and the question was whether the indictment was found by a legal jury. The Grand Jury framing the indictment was empaneiled by the Marshal, under the usual practice, in the federal courts without regard to the law of Utah, which provided that the jury should be empaneiled by the Cierk of the Court in pursuance of a certain mode prescribed. The Chief Justice now announced that on the question as to whether the jury were legally empaneiled the Court stood Jour in the affirmative and four in the negative, so the case was disposed of by a divided Court, and the judgment is affirmed.

No. 52-County of Bath et al. vs. Arny-Error to the Circuit Court for Kentucky .- The relator applied to the Circuit Court for a mandamus to compel the levy and collection of a tax to pay certain coupons held by him. The claim had not been brought to judgment, nor had it been put in the suit, and this Court held that the application for a mandamus, an original proceeding, was neither necessary nor auxiliary to any jurismettion which the Circuit Court had, and should have been denied. The judgment is, therefore, reverse 1. Mr. Justice Strong delivered the opinion.

No. 83-Pentz et al. vs. Steamer Adrian.-Appeal from the Circuit Court for the Southern District of New York.—This was a case of collision between the brig Edwards and the steamer Adrian. The Court below decided that the brig was at fault and the libel was dismissed. This Court reverses the decree, holding that the steamer was chargeable. Mr. Justice Swayne delivered the opinion.

No. 568-Wheeler vs. Harris et al.-Appeal from the Circuit Court for the Southern District of New York,—Motion to dismiss denied; announced by the Cnief Justice.

No. 195—Same vs. Same, same Court, appeal dismissed; announced by the Chief Justice.

No. 292.—Wells, Fargo & Co. vs. McGregor—Error to the Supreme Court of Montana.—Writ of error dismissed; announced by the Chief Justice.

No. 82—Plant vs. Stowell—Error to the Supreme Court of Georgia.—No error in the record and affirmed; announced by the Chief Justice. No. 510—Davison vs. Connolly—Error to the Supreme Court of Minnesota.—Writ of error dismissed; announced by the Chief Justice.

### UNITED STATES CIRCUIT COURT.

The Estate of Madame Jamel. Before Judge Shipman.

The further hearing of the case of George Washington Bowen vs. Nelson Chase was resumed yes-

The early part of the proceedings was taken up

filed in the State Court by Mr. Chase in reference to the estate of Madame Jumel. These papers were offered in evidence by the piaintiff.

A lady named Van Vieck, wife of a dentist who resided at Saratoga Springs, gave evidence on behalf of the piaintiff. She testified that her husband, on one occasion, in 1863, visited Madame Jumel, in the way of his business, and that she accompanied him. Madame Jumel talked to her about her wealth, showed her her plate, and took her over her house and grounds. Witness asked her to whom she was going to leave all her property and wealth; she replied, "To my son;" witness asked her, "Have you got a son ?" Madame Jumel replied, "Yes, George Bowen;" there was some conversation in regard to Mr. Chase, Madame stating she would leave some property to her niece, but not much to Mr. Chase. According to the evidence of the witness, Madame Jumel remarked that Mr. Chase had not treated her right.

Mr. O'Conor then took up the good expanies too.

Chase. According to the evidence of the witness, Madame Jumel remarked that Mr. Chase had not treated her right.

Mr. O'Conor then took up the cross-examination of the witness, who gave negative answers to questions which went to elicit whether Madame Jumel had not, on the occasion of this interview, spoken incoherently and with great rapidity, and whether she had not declared she had been visited by the Angel Gabriel or by spirits.

The next witness was anne Eliza Vandervoort, who claims that her mother was sister of Madame Jumel. She testified with respect to a great many things in connection with this suit. She deposed that when she was probably five or six years old she and her mother, who were then residing in Greenwich street, after coming from Providence, R. I., paid a visit to Mr. and Madame Jumel, whose residence was then down town; they at that time met at Madame Jumel's Freelove Ballou; the whole party dined together, and after dinner Mr. Jumel went out; soon after that a conversation ensued between Freelove Ballou and Madame in respect to George, Madame asking Freelove this point between Freelove and Madame for residence was kept from her. To use the language of the witness there was a "wrangle" over this point between Freelove and Madame for nearly an hour, but it did not occur in the presence of Mr. Jumel.

Counsel for plaintiff offered in evidence certain declarations toucking the pedigree of George W. Bowen.

owen. Counsel for detendant objected. The Court allowed them. Counsel for defendant

The Court allowed them. Counsel for defendant excepted.

The witness was then shown a small pamphlet wrapped in two pieces of newspaper. On looking at the pamphlet sne said she recognized it. She stated she had received it from her mother in 1857, a short time previous to her death.

Mr. Shaffer then read from one of the leaves of the pamphlet, which was a life of King Henry IV. (whether of France or England was not stated), an entry in writing to the elect that George Washington Bowen was born of Eliza Bowen in the month of October, 1794, and this entry was signed with the name of Reuben Ballou.

An entry giving the date of the birth of George W.

October, 1794, and this entry was signed with the name of Reuben Balleu.

An entry giving the date of the birth of George W. Bowen as above was pointed out in a Bible to the witness, who recognized the Bible as one that belonged to her mother. She also stated that the entry in question in the Bible was in her mother's handwriting; that the original records in the book had been torn out by a child, but that soon after her mother wrote the record as it now stood in the

Mother wrote the record as it now stood in the book.

Mr. O'Conor, in a long and most searching cross-examination, interrogated the witness for the purpose of showing that her relations and interviews with Madame Jumel were very few, and she nad, therefore, small opportunities of testifying to the lacts of the case. The witness admitted that she could not tell if her father and mother had been married. Her mother married a man named Jones, but she (witness) did not remember if she was at the marriage.

At jour o'clock the Court adjourned to eleven o'clock this morning.

clock this morning, Charge of Uttering Forged Endor-ement. Alexander Clapperton, who is charged with having conspired with John W. Wright to obtain money on papers containing forged endorsements on th Sub-Treasury of this city, was recently arrested in Leavenworth, Kansas, and has just been brought to this city. He is now in the custody of United States Marshai Sharpe, to await the procurement of bail. Wright and Chapperton have been both indicted in this district. Wrighthas already given \$10,000 bail.

### SUPREME COURT-CHAMBERS.

Decisions

By Judge Barrett.

In the Matter of the Guardianship of A. Kinney, a Minor.—Guardian discharged.

In re Mary E. Connolly.—Writ of habeas corpus discharged, and child remanded to the custody of the respondent.

Olimsted et al. vs. Riley et al.—Report confirmed and juugment granted.

By Judge Cardogo.

Thompson et al. vs. The Eric Rallway Company.—Let the counsel in this case attend before me on Wednesday, at ten A. M.

By Judge Brady.

Bass ys. Vuclins.—Order settled. Cochroft vs. Claftin.—Same. Carter vs. Kain.—See opinion. Rockwell vs. Green.—Same,

### SUPERIOR COURT-TRIAL TERM.-PART 2.

Montgomery Queen's Suit Against the Second Avenue Railroad Company. Before Judge Sedgwick. Montgomery Queen vs. The Second Avenue Rall-

oad Company. -The plaintiff, late vice president of the defendant's company, was discharged, and brought suit, claiming \$6,000 camages. The com-plaint was yesterday dismissed, on the ground that the board of directors had power to discharge without notice, such power being conferred on them in the constitution and bylaws.

### COURT OF COMMON PLEAS-SPECIAL TE IM.

By the Full Bench.

By the Full Bench.

Barker and another vs. Hudson River Railroad

Company.—Judgment reversed.

Brennan vs. Lowery.—Judgment affirmed.

Cook vs. Kroeweke.—Judgment affirmed. Decisions

Mirmed.
Carey vs. Carey.—Judgment affirmed.
Vosburgh vs. Brewster.—Judgment reversed.
Pollock vs. Lihenthal.—Judgment reversed.
Pranstein vs. Thomas.—Judgment affirmed.
Powers vs. Whitly.—Judgment as mod

Fowers vs. Whitly.—Judgment as modified ordered.
Phillips vs. Hebbard.—Judgment affirmed.
Hayes vs. Willis.—Order reversed.
Fearing vs. Irwin.—Reargument ordered.
Webte vs. Haviland.—Judgment reversed.
Fowier vs. Hari.—Judgment affirmed providing plaintiff enter into stipulation pursuant to opinion.
Rudolphy vs Fachs.—Judgment reversed and new trial ordered.
McCreery vs. Nooney.—Judgment reversed Strong et al vs. Biack.—Order affirmed.
Bissick vs. McKenzie.—Judgment reversed.
Boomer vs. Brown.—Order appealed from affirmed, with costs.
Trigger vs. Dry Dock and East Broadway Railroad Company.—Judgment affirmed.

ompany.—Judgment affirmed. Foot vs. Ætna Insurance Company.—Judgment

eversed. Murray vs. Smith.—Judgment affirmed. Poillon vs. Secor.—Judgment reversed and new Agate vs. Lowaniain.—Judgment affirmed. Haviland vs. Wenie.—Judgment of Marine Court

mrmed. Waller vs. Thomas.—Order reversed, with leave Foster vs. Henry.—Rehearing ordered. Regna vs. Buckley.—Judgment affirmed

### COURT OF COMMON PLEAS-PART 2.

Absent Jurors Fined. Before Judge Loew.

At the opening of the February term of this Court yesterday only ten jurors answered to their names, and Judge Loew directed Mr. Boese, the therk, to enter a fine of \$100 each against all the jurors who had disobeyed the summons of the

### COURT OF GENERAL SESSIONS.

Before Recorder Backett. Before Recorder hackett.

The Court was opened yesterday morning, His Honor the Recorder presiding. The grand and petit jurors summoned for the February term were discharged till this (Tuesday) morning, to which time the Court adjourned. There are a great many prison cases—principally indictments for burglary and larceay—to be disposed of this month. Assistant District Attorney Fellows will prosecute with characteristic vigor, which, together with the Recorder's well-known executive ability, will result in depleting the number of prisoners now awaiting trial.

# COURT CALENDARS-THIS DAY.

COURT CALENDARS—THIS DAY.

SUPREME COURT—CHAMBERS—Held by Judge Barnara, — Nos. 74, 76, 96, 113, 114, 116, 138, 143, 155.

SUPREME COURT—CURCUIT—Part 1—Held by Judge Van Brunt.—Nos. 937, 1041, 719½, 347, 348, 349, 1093, 1161, 1113, 141½, 89, 335, 387, 593½, 773, 821, 825, 839, 857, 962, Part 2—Held by Judge Brady.—Adjourned to Monday, 12th.

SUPERIOR COURT—TRIAL TERM—Part 1—Held by Judge Freedman.—Nos. 1361, 1321, 129, 1369, 1269, 1339, 1309, 1345, 1161, 665, 385, 401, 1261, 183, 1675, 1429, 1431, 1841, 160. Part 2—Held by Judge Sedgwick.—Nos. 1072, 1078, 930, 1000, 1900, 736, 470, 888, 939, 244, 1461, 1068, 760, 1814, 1,341, 160.

COURT OF COMMON FLEAS—EQUITY TERM—Held by Judge Larremore.—Adjourned to Thursday, February 8. Part 1—Held by Judge J. F. Daly.—Nos. 241, 168, 847, 369, 1064½, 1005½, 467, 1038½, 1150, 345, 710, 1194, 1195, 1196. Part 2—Held by Judge Loew.—Adjourned to Thursday, February 5, 107 want of Jutors.

Marine Court—Trial Term—Part 1—Held by Judge Joachimsen.—Nos. 5060, 7576, 7031, 7429, 7398, 7824, 7871, 7808, L. vs. F., C. vs. H., 7838, 7814, 7872, 7888, 7913, 7732, Part 2—Held by Judge Spaniding.—Nos. 7743, 7609, 7541, 7038, K. vs. E., G. vs. B., 7528, 7681, 7364, 7368, W. vs. S., 7817, 7853, 7817, 7853, 7817, 7863, 182, 8729, 8732, 8717, 8719, 8720, 8720, 8722, 8722, 8729, 8720, 8720, 8721, 8717, 8719, 8720, 8720, 8722, 8722, 8729, 8720, 8721, 8717, 8719, 8720, 8722, 8722, 8722, 8729, 8720, 8721, 8717, 8719, 8720, 8720, 8722, 8722, 8723, 8724, 8727, 8729, 8720, 8721, 8717, 8719, 8720, 8720, 8721, 8721, 8721, 8721, 8721, 8721, 8722, 8723, 8722, 8723, 8724, 8727, 8723, 8724, 8722, 8723, 8724, 8727, 8734, 8722, 8724, 8727, 8723, 8724, 8723, 8724, 8723, 8724, 8723, 8724

## THE FISK-STOKES TRAGEDY

Another Day of Demurrers and Pleas for Time.

The District Attorney on the Is-

#### ADJOURNMENT TILL MONDAY NEXT

sues Raised.

Another brief and uninteresting session of the Court of Oyer and Terminer, Judge Cardozo pre-siding, was held yesterday. It will be remembered that when on Thursday last Justice Ingraham, sitting in Oyer and Terminer, denied the motion to quash the indictment of Stokes for the murder of James Fisk, Jr., his counsel put in some pleas in abatement—that is, pleas to the regularity of the proceedings under which he was indicted-and that the matter was put over to ten o'clock vesterday to permit the District Attorney to examine and take action on the pleas. Judge Ingraham's term (the December term) having adjourned sine die without action on Stokes' pleas, half an hour later the new term (Judge Cardozo's term) was opened. At this abbreviated session the District Attorney and all Mr. Stokes' counsel and his assistants were present. Almost immediately after the opening of

whose pleasant smile yesterday must have ap-peared to many the same as when he walked Broad-

Prompt to time Judge Cardozo took his place on the bench; the new term was duly opened with more proclamations than usual. The Grand Jury were called, but only fourteen being present they

vere discharged to Monday next. The petit jurors were called, and a fine of \$100 imposed on each of the absentees, forty-two in number. Those answering were discharged to Monday next.

number. Those answering were discharged to Monday next.

District Attorney Garvin rose and, addressing the Court, said that at the last term of the Court and indictment had been found against Stokes, to which Stokes had interposed seven special pleas. To the first six pleas, he interposed demurrers, and the seventh he traversed. Its pleas would be furnished on the other side in an hour.

Counsel said there were some errors of dates they desired to correct in their pleas.

District Attorney Garvin said that he was quite willing the immaterial mistakes should be corrected, provided he was permitted to do the same.

Mr. McKeon asked how they proposed to try the issues?

issues?
The District Attorney said he supposed they must

The District Attorney said he supposed they must try the traverse before a jury.

The Court asked whether they proposed to argue THE DEMURIERS?

Mr. McKeon said no, they supposed judgment would go against them on true demurrers, as Judge Ingraham had decided them in the motion to quash. They had raised them by plea so as to have them on the record for review.

Justice Cardozo said he had not proposed to consider those points, as some of them had been decided by Justice Ingraham, and three of them by himself in the Foster case. The traverse would have to go to the jury, of course. When did they propose to have

have

THAT PRELIMINARY TRIAL?

Mr. GARVIN suggested that it be as soon as possible; time was moving on.

Mr. McKeon said that the case depended in great measure on the testimony of the Commissioner of Jurors now absent in Havana.

The Court supposed that it would take some time to empannel a jury, and therefore set down THE TRIAL FOR NEXT MONDAY, and directed the summoning of an extra panel of 500 jurors for that day.

The point which is to be tried next Monday is a mere preliminary point, not whether Mr. Stokes is

mere preliminary point, not whether Mr. Stokes is guilty, but whether the list of Grand Jurors from which the December Grand Jury was drawn was made in compliance with or violation of law. The real trial will not commence until after the jury nave passed on that preliminary point.

DEMURRER.

real trial will flot commence until after the jury have passed on that pretiminary points.

Court of Oyer and Transier, County of New York—The People of the Note of New York, obstret Attorney of the said thereupon Samuel B. Garrin, District Attorney of the said city and county of New York, in their behalf comes and says, as to the said first, second, third, fourth, and fifth, and sitth pleas of the said first, second, third, fourth, and fifth, and sitth pleas of the said first, second, third, fourth, and fifth, and sitth pleas of the said theward S. Stokes, and each and every of them by him above pleaded and set forth, that the said several pleas and the matters therein contained in manner and form as the same and each of them are above pleaded and set forth, are not sufficient in law to bar or preclude the said the people of the State of New York from prosecuting the said indictined against him, the said Edward S. Stokes, and that he, the said samuel B. Garvin, District Attorney as aforesaid, is not bound by the law of the land to answer the same for the people of the State of New York, prays judgment, and that the said Edward S. Stokes may be required to answer to the said indictment.

SAMUEL B. GARVIN, District Attorney.

REPLICATION TO THE SEVENTH PLEA.

Court of Oper and Terminer, County of New York—The People of the State of New York as aforesaid, furticer says as to the said seventh plea of the said st., but he said the said seventh plea of the said seventh plea of the said the said seventh plea of the said the said seventh pleas of the said seventh pleas of the said the said seventh pleas of the said the said the said the said the man dead of the State of New York as aforesaid, torticer says as to the said seventh pleas of the said to serve as The prisoner was then removed in charge of the Sherif and his officers, with the usual precutions—the prevention of persons leaving the court room till some time after the disappearance of the

### THE EQUITABLE LIFE ASSURANCE COMPANY. The Charges Against the Officers to be Inves-

tigared. Some twelve months ago one of the policy holders of the Equitable, Life Assurance Company, of this city, drew up a statement concerning the affairs of the above company, in which serious charges were made against the integrity of some of its officers. The charges were then laid before Superintend-

made against the integrity of some of its omcers. The charges were then laid before Superintendient Miller; but that gentleman having been overwhelmed with work since his return has neglected
to investigate the matter. A Sunday contemporary
made a sensation article out of the charges on the
4th inst., and the company feeling called upon to
take some action in the premises the directors held
a meeting yesterday and appointed a committee to
investigate the charges. The following is the result
of the meeting:—

To the Policy Holders of the Equitable Life Assurange Society of the United States—
A meeting of the Board of Directors of the said society
was held this day, at which the following named Directors
were present, namely—beoge T. Adee, Henry
M. Alexander, John Auchinolos, Robert Bliss, II.
V. Butler, Thomas A. Cummina, Henry Day,
John J. Donaidson, Dadley S. Gregory, Ashbet
Green, James M. Haisted, E. J. Hawley, Samuel Holmes,
Moses A. Hoppock, Henry A. Hundint, Henry B. Hyde,
Robert Lenox Reunedy, William G. Lamnert, Edward WLambert, M. D. Daniel D. Lord, James Low, Feter McMartin, Henry G. Marquand, Charles J. Martin, George D. Morgan, Jose F. Navarro, Bennington F. Kandolph, Thomas U.
Smith, John A. Stewart, Henry S. Teroell, S. W. Torrey,
William Walker, Benjamin Williamson, Thomas S. Young,
A ibelious article, which was published on the 4th inst. In
a Sunday newspaper, having been read to the Board of
Directors, the undersigned were appointed a committee
publicly and emphatically to deny the charges made in said
univers.

The undersigned were directed by the said Board to take

publication, and we do hereby declare the same to be growning.

The undersigned were directed by the said Board to take measures for an immediate investigation of the adarts of the said company by the State authorities, and also by disinterested citizens not connected with the society, with whom the public will have the fullest confidence, the results of which investigation will be made known to the public at the earliest moment practicable.

RGBERT L. KENNEDY, ROBERT BLISS, PETER MCMARTIN, GEORGE D. MORGAN, HENRY A. HURLBUT, JOHN J. DONALDSON, D. D. LORD,

### THE ROW AT APOLLO HALL.

TO THE EDITOR OF THE HERALD:-

In your issue of this date, in an article headed put into an alleged statement of his as to the attack on him:-"I believe that Shannon, W. H. Rooney and Feeney hired the gang of ruihans to kill me." I now write to pronounce such a belief and statement laise in every particular. I never hired any gang of ruihans nor any other person, nor did I ever counsel or advise any person or persons to make any assault on Scully, or upon any other person or persons, either on that night or at any other time, nor did I ever for a moment entertain any thought or intention to do so. The first knowledge or information that I had of the assault was the Item in yesterday's edition of the New York Times. I am sorry that any assault was made, and I cannot perceive why the blame of it should in any way fall upon Messrs. Snannon and Feeney or myself, or why such credence should be placed in his statement as to warrant the notice above referred to. This is the second time within ten days that my name has been mentioned in your paper in connection with assaults, real or pretenced, on this man. I know nothing about either. This man, Scully, I know is not intenligent enough to have written either of them, and I desire to unearly the sneaks—for there are at least two of them—who make this man a cloak for assaults on me. As to whether the ticket headed Jos. Shannon was or was not elected, I propose to leave to the General Committee to determine, Respectfully, W. H. ROHNEY. Rooney and Feeney hired the gang of rumans to